

May 31, 2006

Leon County Board of Commissioners
301 S. Monroe Street, 5th Floor
Tallahassee, FL. 32301

Re: Request to cancel, repeal and delete any existing utility franchises that include the Fallschase Community Development District

Dear Chair and Members:

This letter is submitted by the undersigned on behalf of the Fallschase Community Development District, a special and single purpose local government chartered and created by Fla. Stat. 190 and "re-established" by Leon County Ordinance 97-18 (abolishing the old Fallschase District and using the Ordinance to establish in its place the Fallschase Community Development District, hereafter referred to as the "District"). Accordingly, as provided in Fla. Stat., 190.004(4), the general law created charter of the District is Fla. Stat., Sections 190.006 through 190.041. The District requests that Leon County cancel, repeal and delete any existing sewer or water franchise that authorizes any person to provide water or sewer service to the property described in Exhibit "A" hereto (hereafter referred to as "the CDD Property") pursuant to the Leon County Code, Chapter 18, Utilities, in order that the City of Tallahassee may obtain a franchise to provide water and sewer service to the CDD Property.

The District desires that the City of Tallahassee (hereafter referred to as the "City") provide water and sewer service to the CDD Property. The City has indicated that it wishes to provide such service, but it first wishes to be assured that it would not thereby violate a franchise held by another person. The District has made a diligent search for documents or other evidence that Leon County actually granted a franchise for a "private system" to serve the CDD Property. The District has not discovered any document or other evidence that such a franchise exists. The District makes this request, however, to resolve any doubt that such a franchise may exist.

The Water and Sewer Agreement (hereafter referred to as the "Agreement") dated May 10, 2005, between the City of Tallahassee and Leon County, grants to the City of Tallahassee exclusive franchises to provide water and sewer service to all properties located within Leon County that were not located within an existing or applied for water or sewer franchise area on the effective date of the Agreement. Exhibit "A" to the Agreement consisting of maps that depict existing water and sewer franchise areas designates the CDD Property as subject to "Private Systems." The Agreement does not define or otherwise refer to the term "private system." Though the District does not operate a "private system" but serves land within any such franchise under its charter special powers to provide water and sewer and related utility services, the District has joined in this request in good faith, pursuant to unanimous vote of the Board on 2 May 2006, and at the continuation of that meeting confirmed unanimously on 4 May 2006.

The Fallschase Community Development District is a special and single purpose local government chartered and created by Fla. Stat. Chapter 190 that exercises the powers granted to the Community Development District by Fla. Stat. Chapter 190, specifically Fla. Stat., Section 190.012(1)(b) and related sections of its general law charter. The District hereby irrevocably abandons any right, title or interest of any kind that they may exercise or possess to any franchise in existence on the date of this letter from Leon County to operate a public water system and/or a public sewer disposal system to provide water and sewer service to the CDD Property.

May 19, 2006

Letter to Leon County Board of Commissioners

Re: Request to cancel, repeal and delete any existing utility franchises that include the Fallschase Community Development District

Further, the District respectfully requests that the Leon County Commission hold a properly noticed public hearing and adopt a Resolution canceling, repealing and deleting any existing franchise to operate a public water system and/or a public sewer disposal system to provide water and sewer service to the CDD Property. If any further action is required of the District in order to initiate the revocation proceeding, please advise the undersigned immediately.

Fallschase Community Development District

By:  5/31/06

Keith Dantin
FCDD Chairman